

MATTER OF SCHICK
In Visa Petition Proceedings
NYC-N-81276

Decided by Regional Commissioner December 15, 1970

Since the petitioning American company—which has signed a contract with a French company giving the American firm exclusive license to buy and import into the United States machinery manufactured by the French company for 10 years—is not bound to such foreign firm through common ownership and management but has only a contractual relationship with the foreign company, subject to termination, petitioner is not connected with the French company within the contemplation of section 101(a) (15) (L) of the Immigration and Nationality Act, as amended, and the beneficiary, an employee of the French firm, is ineligible for classification as an intra-company transferee under section 101(a) (15) (L) of the Act since he would not be entering the United States to continue to perform services for the same employer or a subsidiary or affiliate thereof.

ON BEHALF OF PETITIONER: Abraham Kaufman, Esquire
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This matter is before the Regional Commissioner on appeal from the denial of a request to classify an alien as an intra-company transferee under section 101(a) (15) (L) of the Immigration and Nationality Act.

The petitioner is a manufacture of nylon zippers seeking to obtain the services of a technical consultant who is familiar with the manufacture of specialized equipment needed to produce this type of slide fastener. The petitioner is an American corporation established in 1965 and it has no known branches or subdivisions in Europe or any other country. The beneficiary is an alien employed since 1967 by a French corporation which has developed a new nylon slide fastener. The French Company and the petitioner have entered into an agreement whereby the petitioner will manufacture this slide fastener under a license and royalty agreement and have exclusive rights to sell the product in the United States. There is no joint ownership or investment between the two com-